

REMARKS

The Official Action dated November 18, 2004, has been carefully reviewed and the foregoing amendment has been made in response thereto. Claims 1 through 7 stand rejected under 35 U.S.C. §112, first paragraph, as failing to comply with the enablement requirement. Claims 2 and 8 through 15 stand rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claims 8 through 11 stand rejected as being anticipated by Gruyer et al (U.S Patent Application Publication No. 2002/0112048). Claims 1-7 and 12-15 stand rejected as being unpatentable over Gruyer et al. in view of Burner et al. (U.S. Patent No. 6,282,548).

Claim Rejection – 35 U.S.C. 112

It is believed that the rejections of claims 1 through 7 under 35 U.S.C. §112, first paragraph, and claims 2 and 8 through 15 under 35 U.S.C. §112, second paragraph, have been overcome by the amendments to claims 1, 2 8 and 9.

Claim Rejection – 35 U.S.C. 102(e) and 35 U.S.C. 103(a)

Claims 8-11 stand rejected as being anticipated by Gruyer et al. Claims 1-7 and 12-15 stand rejected as being unpatentable over Gruyer et al. in view of Burner et al.

The Applicant respectfully avers that Gruyer et al. is not an effective reference against claims 1-15 of the present application. The Gruyer et al. patent application was not filed prior to invention by the Applicant, nor issued prior to filing of the present application. A rule 131 declaration by Karen A. Papierniak, the inventor of the present invention, is herewith submitted in support of Applicant's position. Also provided is a copy of the invention disclosure record

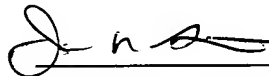
titled "Visualization Tool for Web Analytics," assigned NCR Docket No. 9066 and dated December 30, 1999, that is referenced in the declaration provided by Karen A. Papierniak.

The rule 131 declaration and referenced invention disclosure record identify an invention date for Applicants' invention of December 30, 1999, if not earlier. This date predates the December 11, 2000 filing date and of Gruyer et al.

In light of the declaration, Applicant respectfully requests that the Examiner remove the 35 U.S.C. §102(e) rejection of claims 8-11 and the 35 U.S.C. §103(a) rejection of claims 1-7 and 12-15, and pass the present application to issuance.

In view of the foregoing amendments and remarks, it is believed that the application is in condition for allowance. Early and favorable action is respectfully requested.

Respectfully submitted,



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AMENDMENTS TO THE DRAWINGS

The present Office Action recommended the renumbering of reference numerals in Figure 1. Accordingly, Figure 1 has been amended to replace original reference numerals 10, 12, 14 and 16 with reference numerals 100, 112, 114 and 116, respectively. The legend "PRIOR ART" has also been added to Figure 1, as suggested in the present Office Action. Amendments to the specification necessitated by the changes to Figure 1 have been presented above. The present application was filed with informal drawings. Two complete sets of formal drawings, replacing the most recent set of record and including amended Figure 1, are provided with this response.